



Bedford County

PLANNING COMMISSION

AGENDA

DATE: Monday, March 21, 2011

5:00 pm Regular Meeting

**Bedford County Administration Bldg
Ground Floor Training Room**

- A. Call to Order and Determination of Quorum
- B. Approval of Agenda
- C. Approval of Minutes
- D. Citizen's Comment Period
- E. Old Business
 - Proposed changes to approved of 2010 annual report
- F. New Business
- G. Information Items
 - **Next Planning Commission Meetings**
 - **Monday, April 4, 2011 – 5:00 pm**
- H. Adjourn

**PLANNING
COMMISSION
MINUTES**

February 22, 2011

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MINUTES

For

Bedford County Planning Commission

February 22, 2011

County Administration Building

The Planning Commission held a regular meeting on Tuesday, March 22, 2011 in the Bedford County Administration Building Boardroom. Commissioners Stephens, Noell, Fralick, Stevick and Wilkerson were present. Commissioners Barnes and Crockett were absent. County staff present was Mr. Carl Boggess, County Attorney, Mr. Tim Wilson, Director of Community Development, Mrs. Mary Zirkle, Chief of Planning, Mr. Jordan Mitchell, Mr. Brad Robinson, Planners and Mrs. Patricia Robinson Planning/Zoning Technician.

The Chairman called the meeting to order at and determined a quorum was present to conduct business. The Chair asked if there were any changes to the agenda. Mr. Fralick made a motion to approve the agenda as presented. Mr. Stevick seconded the motion. The motion carried with a vote of 5-0.

The Chairman asked if there were any changes to the minutes of January 3, 2011. Mr. Fralick made a motion to approve the minutes as presented. Mr. Stevick seconded the motion. The motion carried with a vote of 4-0-1. Mr. Wilkerson abstained from voting since he was not present at the meeting.

The Chairman asked if there were any changes to the minutes of February 7, 2011. Mr. Wilkerson made a motion to approve the minutes as presented. Mr. Fralick seconded the motion. The motion carried with a vote of 5-0.

The Chairman asked if there were any citizens to speak during the Citizen's Comment Period. There being none, the Chairman closed the Citizen's Comment Period.

The Chairman opened the public hearing for Special Use Permit SU110006 and asked Planner Jordan Mitchell for the staff presentation. As stated in the staff report Mr. Mitchell noted Verizon Wireless (d/b/a/ Cello Partnership) is requesting a Special Use Permit (SUP) to place an 84-foot tall wireless communications facility at 12066 Lee Jackson Highway in an Agricultural/Rural Preserve (AP) zoning district. The property owners are Jonathan M. and Erica M. Whorley at 12066 Lee Jackson Highway, Big Island, Virginia. The property (Tax Map # 10-A-109) is located east of Lee Jackson Highway (Route 501), north of Smith Street (private road) and located in Election District 5. Access to the property is proposed through a 20' access and utility easement. The property is approximately 11.3 acres in size. Amherst County is located to the east of the property across the James River and the Blue Ridge Parkway is located to the North. The proposed 84-foot WCF will have a visual impact to the adjoining properties and those traveling along nearby road ways. The trees surrounding the site are approximately 50-70' in height reducing the amount of visibility. However, the tower will be visible above the tree line and can be seen as far south as Sunset Hill Lane (south

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of the intersection of Big Island Highway and Lee Jackson Highway) and from the Parkway. Mr. Jordan noted after reviewing the application, Atlantic Technology Consultants Inc. recommends that the proposed tower be approved with the following recommendations:

1. Fencing for compound be vertical board fence.
2. Equipment Shelter be exposed aggregate finish.
3. Environmental assessment be completed and reviewed.
4. Section 106 historical feedback from VDHR be completed.

Questions/comments from the Commissioners covered the following:

- Should there be a condition for a grounding plan?
- Condition 10 - would it be consistent with County policy to have the lighting directed down?
- Condition 5 – should this condition be changed to have the NEPA and Section 106 reports submitted and accepted?
- Impressed with the location of the site within the existing trees.

Mr. Mitchell noted Mr. Condyles of Atlantic Technologies could best address the issue regarding a grounding plan for the tower site. Directing the lighting down would be consistent with the county policy as stated in the Comprehensive Plan. The NEPA and Section 106 reports are not approved by the Division of Planning. The reports contents are taken into account during the building permit phase of the project. Mr. Jordan noted condition # 10 could be changed to reflect clearer language regarding the submission and subsequent action of the NEPA and Section 106 reports.

The Chairman asked for the presentation by the applicant. Mrs. Lori Schweller of LeClair Ryan, Attorney At Law located at 123 East Main Street, Charlottesville, Virginia provided the applicant's presentation. She stated Verizon Wireless is requesting a Special Use Permit for the site at 12066 Lee Jackson Highway 7219 Lee-Jackson Highway referred to as the "Bell Hill" site. Mrs. Schweller provided maps reflecting current coverage, areas with gaps and proposed coverage areas if the Bell Hill site is approved. Verizon Wireless has identified this particular area as having inadequate coverage for any of the services that are to be provided. Mrs. Schweller stated the Bell Hill site would connect to the Burton site located to the southeast and other existing sites currently located to the north, south and west. The proposed tower will be a monopole with a height of 84' because of the antennas. The antennas, with a full array would be kept to 10' above the tree lines and be painted brown to blend into the wooded areas surrounding the site. The technologies will cover voice, text and data offered by Verizon, thus we need to be able to bring in three different wave lengths. Approval of this request has been recommended the county's wireless consultant Atlantic Technology Consultants, Inc.

Question/comments from the Commissioners to Mrs. Schweller covered the following:

- Will this tower provide cell phone service up on the Parkway? What would be the array?

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- Why not have a 76' tower and go 4' higher for the antennas having 80' be in compliance with the statute?
- Would the request to have the lighting pointing downward be consistent with the proposed lighting?

Mrs. Schweller stated a three mile radius of service would be provided. The foliage on the trees could impact the service depending on the time of year. She noted the array is a nine antenna array with three sectors which have three antennas on each sector. Mrs. Schweller indicated the radio frequency engineers usually think in terms of the RAD center being at the center of the antenna. In this case the type of antennas used cause the height to exceed the tree line. Mrs. Schweller indicated the only light at the site would be a motion sensor light by the door. She indicated they would have no objections to pointing the light downward.

The Chairman asked for a presentation by the county's wireless communications consulting firm. Mr. George Condyles of Atlantic Technology Consultants, Inc. of Ashland, Va. provided the representation. Mr. Condyles indicated the light is a convenience light and points down. It will only come on when motion is detected. Mr. Condyles noted a grounding plan is not required on the site plan at the time of the public hearing. The applicant will need the grounding plan at the time of obtaining a building permit. Mr. Condyles noted the NEPA and Section 106 reports are federal requirements. When a tower is built there is a process it must go through with the Federal Communications Commission (FCC). If the report comes back from the FCC with any type of remediation or changes necessary those would be addressed prior to the issuance of the building permit. The language on condition ten could be modified to state "completed, filed and accepted" and could be used as standard language for this condition in the future. Mr. Condyles noted the proposed wooden fence is for visual impact. As the wood fades the fence will blend in with the surrounding background.

Commissioners noted the 80' height under the current Wireless Communication guidelines may need to be reviewed. The height of the proposed tower appears to require a greater height to accommodate the technologies of today and those proposed for the future.

The Chairman asked if there were any citizens to speak. Marshall Hamilton of 1427 Club Drive Lynchburg, Va. spoke in favor of the application. Mr. Hamilton noted he lives across the river from the proposed site. He noted the service in this area is either none or very spotty. Individuals on the Blue Ridge Parkway would need to look very hard to spot the tower. Mr. Hamilton noted the service is much needed and requests the Commission approve the application.

There being no additional speakers the Chairman asked for discussion by the Commissioners. The following comments were offered:

- Stevick – The proposed tower is in my district. I think it a good step in the right direction. I have a couple of minor changes to the conditions at the appropriate time.

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- Stephens – The site looks good. I am satisfied that the growth in the area will minimize the view of the tower. You have my support.

Mr. Stevick made a motion to recommend to the Board of Supervisors approval of SU110006 with the conditions noted in the staff report. He requested a change to condition # 5 and condition # 10. Change condition # 5 to read "A NEPA and Section 106 report shall be completed, filed and accepted prior to the issuance of a building permit". Change condition # 10 to read "Lighting, if used, shall be the minimum required for safety and security and shall be directed away from adjacent property and roadways and downward". Mr. Noell seconded the motion. The motion carried with a vote of 5-0.

The Chairman opened the public hearing for Special Use Permit SU110007 and asked Mr. Robinson for the staff presentation. As stated in the staff report Cello Partnership (d/b/a Verizon Wireless) is requesting a special use permit to erect a 94-foot tall wireless communication facility in Goode. The subject property is identified as Tax Map 112-A-92 and is located along Forest Road (Route 221) between Lowry Road (Route 715) and Roaring Run Road (Route 670). Otter River Elementary School is approximately 0.17 miles west of the property. The 50.1 acre parcel is owned by Andrew B. and Jean Y. Croft, 6979 Forest Road, Goode VA and located in Election District 7. The monopole itself will be 90' in height but will have antennas extending up to 94'. The proposed tower will be located within a fenced 40' x 40' lease area (1,600 feet). In addition to the tower, an equipment shelter (12'x 20'x 10'8") and emergency backup generator will be located within the lease area at the monopole's base. The proposed monopole and antennas will be painted brown in order to blend with the natural surroundings. There are two existing WCFs on the property – one owned by AT&T/Cingular and approved February 11, 2002 (SUP #9-2000) and the other owned by U.S. Cellular and approved June 24, 2003 (SU030018). The existing WCFs, located adjacent to each other, are accessed by the Crofts' existing driveway from Forest Road. The proposed tower will be located between 63' and 68' south of the existing towers. The applicant proposes a 20' access easement over the existing driveway to the proposed WCF. In addition a 10' utility easement is proposed along the western property line adjoining Tax Map 112-A-89 also owned by the Crofts

Mr. Robinson noted after reviewing the application, Atlantic Technology Consultants, Inc. recommends approval of the proposed tower with the following recommendations prior to the approval and issuance of a building permit:

- A structural analysis/design be performed.
- An RF Emissions Compliance Report.
- Ground specifications.
- Interference Study.
- A Phase I Environmental Site Assessment & NEPA review.
- The results of the report sent to the Virginia Department of Historic Resources (VDHR) dated September 15, 2010 for review.

Mr. Robinson reviewed the possible conditions stated in the staff report.

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Question/comments from the Commissioners to Mr. Robinson covered the following:

- Assume conditions 10 and 13 will be modified to the language as determined for conditions 5 and 10 in the prior public hearing for SU110006.

The Chairman asked for the presentation by the applicant. Mrs. Lori Schweller of LeClair Ryan, Attorney At Law located at 123 East Main Street, Charlottesville, Virginia provided the applicant's presentation. She stated Verizon Wireless is requesting a Special Use Permit for the site at 6979 Forest Road in Goode referred to as the "Goode" site". Mrs. Schweller provided maps reflecting current coverage, areas with gaps and proposed coverage areas if the Goode site is approved. The proposed tower will connect to the Elk Creek site to the east and the Bedford County site to the west. The proposed 94' tower will establish in-building wireless communication coverage to nearby resident in the area between Bedford and Goode. Verizon Wireless will also be supporting in-car coverage along Forest Road (Route 221), as well as other nearby local roads. The top of the tower will be visible from a few nearby properties however; trees along the road will assist in screening most of the proposed tower off of the property. Approval of this request has been recommended by the county's wireless consultant, Atlantic Technology Consultants, Inc.

Question/comments from the Commissioners to Mrs. Schweller covered the following:

- Is it possible to extend one pole to 120' and do away with the other two poles and have collocations on the taller pole? Would it not be better to view one pole rather than several poles in the same area? Is this not an avenue we should explore?
- Why do you need 94'? What is the degradation of the signal if you come to 84'?
- Do you need the extra 10' for separation for collocations? Can Verizon sell space on the tower to others?
- Why not come and request a 120' tower and put the other two carriers on it?
- What is the timeline for putting in this tower?

Mrs. Schweller noted if the two carriers agreed, one carrier could erect a 120' put their antennas on top and allow for collocations below. Mrs. Schweller indicated she could not address the degradation of the signal if the tower were 84'. She stated the Verizon engineer indicated the height needed was 94' due to the slope of the property. She indicated 10' would be needed for separation and that other carriers could possibly collocate on the tower if the height available fit their needs. Mrs. Schweller indicated when we need the additional height our request reflects such. In this case we felt we could make do with the shorter tower knowing your preference for the shorter towers. We try and comply with your Strategic Plan as best we can and provide the services needed. Mrs. Schweller noted this site is in the pipeline for obtaining required approvals so when budget dollars are allocated the project will move forward. At this time budget dollars have not be allocated. We are hoping the dollars will be allocated for the next calendar year in 2012.

The Chairman asked Mr. George Condyles of Atlantic Technologies, Inc. to comment on the application. Mr. Condyles provided a brief history of the 199' tower proposed on this

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site approximately 100 yards away. When the current plan was developed the 80' height seemed to be acceptable to the public. He agreed the current plan does need to be reviewed and updated. This site has two wooden poles and neither was placed on the property at the same time. The proposed tower is on lower ground than the existing towers. Although this tower coverage will reach out towards Sedalia there still needs to be another tower in the Sedalia area.

The Chairman asked if there were any citizens to speak. Mr. Edmund Coffey of 2332 Lankford Mill Road Bedford, Va. had no objection to the height of the tower but the height is above what the Comprehensive Plan says. He requested the landscape waiver requested by the applicant be denied. Additionally, he agrees that the lighting should be downward.

There being no additional speakers the Chairman asked for discussion by the Commissioners. The following comments were offered:

- Wilkerson – If we recommend approval of a third tower at this site, it would have less impact to less people than a taller tower.
- Fralick – Consider having a discussion to table this request and give the applicant more time to talk about one tower of 120'. The applicant could then talk to the carriers on the other two towers for the possibility of having all three on one tower. Think the proposed tower will stand out.
- Stevick – The request proposed consistent with the overall plan.
- Stephens – I can support this request.
- Noell – There is a definite need for the service. It appears the ordinance is not in step with the technology as of now. I think we need to explore the possibilities of one pole instead of multiples. I do not think this possibility has been fairly discussed by Verizon.
- County Attorney Boggess – The carriers are following the County's 2002 plan. The plan will need to be updated before carriers will come before you with different requests. Until the plan is amended it is hard for a carrier to bring anything different to you.

Mr. Wilkerson made a motion to recommend approval of SU110007 with the proposed conditions from staff to include the lighting to be directed downward and the ATC conditions to the Board of Supervisors. Mr. Stevick seconded the motion. A roll call was taken. Mr. Noell, Stevick, Wilkerson and Stephens voted in favor. Mr. Fralick voted against the motion. The motion carried with a vote of 4-1.

The Chair asked if there were any items under Old Business. The Chairman asked if there were any changes necessary to the Planning Commission 2010 Annual Report. Mr. Wilkerson made a motion to approve the 2010 Annual Report. Mr. Fralick seconded the motion. The motion carried with a vote of 5-0.

The Chair asked if there were any items under New Business. Mr. Fralick asked for a status on the Wireless Communication Plan update. Mrs. Zirkle noted a request to update the plan had been forwarded to the Board of Supervisors. The Board is in agreement to

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an update to the plan. We will be move forward upon approval of funding. At this time we have a quote from Atlantic Technology Consultants, Inc.

The Chair noted the next meeting is scheduled for February 28, 2011 and will be a joint meeting with the Board of Supervisors. Mr. Stephen stated there was no business to come before the Commission at the March 7th meeting. He asked whether or not the Commission chose to meet. Mr. Wilkerson made a motion to cancel the meeting of March 7, 2011. Mr. Fralick seconded the motion. The motion carried with a vote of 5-0.

There being no additional business Mr. Wilkerson made a motion to adjourn. Mr. Fralick seconded the motion. The motion carried with a vote of 5-0.

Respectfully submitted,

Timothy L. Wilson, Secretary

Approved by:

Curtis Stephens

**2010
PLANNING
COMMISSION
ANNUAL REPORT**

MEMORANDUM

TO: Planning Commission

FROM: Mary Zirkle, AICP, CZA, Chief of Planning

DATE: March 14, 2011 *maz*

SUBJECT: Change to Planning Commission Report to Board of Supervisors

As you know, Planning staff prepared a draft annual report for 2010 of actions and meeting items of interest that will be given to the Board of Supervisors. On February 22, 2011, members of the Commission voted to adopt the report and forward it on to the Board. Commissioner Lynn Barnes was not able to provide comment at that meeting. When he was able to provide comment, he recommended a change be made to the wording of the section for "Comments to the Board of Supervisors". He recommended to expand the section to read:

Comments offered to the Board of Supervisors

On behalf of the Planning Commission, Chairman Barnes requested of the Board that:

- An update to the 2002 Wireless Communication Plan be permitted (granted);
- A joint public hearing be held for the purpose of approving the addition of Wind Energy Systems to the County's Zoning Ordinance (ZO) (granted and approved);
- Action be taken on the proposed revised Zoning Ordinance as presented to the Board in January, 2010. Specifically, the Board was requested on November 1 to determine specific language within the current ZO to be retained, modified or deleted, and determine language to be retained, modified or deleted within the proposed revised ZO. (No action was taken on these requests.)

The original wording was as follows:

Comments offered to the Board of Supervisors

The Planning Commission requested that the Board consider an update to the 2002 Wireless Communication Plan.

Chairman Barnes provided comment to the Board on November 1, 2010 regarding the Board decision not to proceed with the Commission's recommended changes to the Zoning Ordinance as presented.

Attached please find the Planning Commission report reflecting this recommended change for discussion and possible action on March 21.



Planning Commission

ANNUAL REPORT FOR 2010

MEETINGS / MEMBERS

Organizational Meeting

The Planning Commission held its Organizational Meeting on February 1st. Lynn Barnes was elected Chairman and Curtis Stephens was elected Vice-Chairman. Planning staff was elected to serve as Secretary for the Commission.

Meetings

The Planning Commission held 20 meetings in 2010. One regular meeting was cancelled due to inclement weather. All Commissioners had very high attendance rates as noted below.

Commissioner	Attended	Held	Percent Attended
Lynn Barnes	20	20	100%
Rick Crockett	16	20	80%
Fred Fralick	20	20	100%
Robin Hartman	3	3 *	100%
Derrick Noell	14	17 *	82%
Curtis Stephens	17	20	85%
Steve Stevick	19	20	95%
Steve Wilkerson	16	20	80%

On March 15, the Commission agreed to continue to meet at 5:00 pm on dates when no public hearings are scheduled.

New Member *

Derrick Noell was appointed to the Planning Commission to represent District 6 effective February 2, 2010. Robin Hartman resigned from her position and attended her last meeting on February 1st.

Off-site Meetings

Two Zoning Ordinance changes were discussed as part of the ordinance update – small wind systems and marinas. Commissioners researched drafting a small-wind ordinance by visiting existing wind turbines in Pulaski and Wythe counties on May 12, 2010.

Chairman Barnes and Planning staff met on May 13 with the Marine Business group to discuss changes to the marina section of the ordinance. Additionally, on June 11 Commissioners toured marinas on Smith Mountain Lake.

Training /Other Meetings

Planning Commissioners attended a variety of training conferences, seminars and workshops in 2010, as well as other meetings. These included:

- Citizen's Planning Education Association of Virginia – Legal Seminar
- Citizen's Planning Education Association of Virginia – Fall Conference
- Region 2000 Central Virginia 2035 Long-Range Transportation Plan

COMPREHENSIVE PLANNING

Comprehensive Plan

There were no amendments made to the Comprehensive Plan.

Cost of Community Services Study

The Planning Commission authorized staff to proceed with an update of the Cost of Community Services Study. Staff worked with a professor at Lynchburg College but did not receive a final analysis product.

Special Review Projects

There were no Special Review projects during 2010 for Planning Commission action.

REZONINGS/ ORDINANCE AMENDMENTS

Rezoning Applications

The Planning Commission held a public hearing on one rezoning application during 2010.

- o RZ110001 - Scott & Ida Jo Heath (R-1/AR to AR)

The Commission recommended approval of the application, which was related to SU110001.

Zoning Ordinance Amendments – Map & Text

The Planning Commission did not hold any public hearings on Zoning Ordinance Amendments in 2010. The Commission held numerous work sessions discussing the text of the ordinance to be rewritten. The Commission gave a draft of the Zoning Ordinance Articles II (definitions) and III (districts and standards) to the Board on February 8.

The Commission was approached to consider changing the minimum acreage required for a campground from 10 acres to five acres. The Commission agreed to consider this change as part of the Zoning Ordinance amendments underway.

SPECIAL USE PERMITS

Special Use Permit Applications

The Planning Commission held public hearings on 10 Special Use Permit Applications in 2010 as follows. The Commission recommended approval on all the SUP applications except for SU100006 for water treatment and wastewater treatment plants for three new subdivisions.

SU100006 - Laurel Landing, Inc	Utility services, Major - to serve The Preserve, Sycamore Ridge & Navigation Cove
SU100005 - Laurel Landing, Inc.	Community dock for The Preserve
SU100007 - Smith Mountain Lake Development Corporation	Utility services, Major - private sewer to serve the Endless Summer development
SU100008 - Chief Investments, LLC	Auto Body Shop - Graves Mill Road - Forest
SU100009 - Center for Advanced Engineering & Research (CAER)	Request to allow a portion of the CAER building to exceed the maximum height in a PID district from 45' to 100'
SU100010 - Murphy Oil USA, Inc.	Gasoline station to be located in front of Wal-Mart along Route 460
SU110001 - Scott & Ida Jo Heath	Request for a campground in an AR (Agricultural Residential zoning district)
SU110002 - Verizon Wireless	Request for 84' tall wireless communication facility at 7219 Lee Jackson Highway in Big Island
SU110003 - Verizon Wireless	Request for a 46' extension of an existing 77' wireless communication facility at 1356 Shades Branch Road near the intersection of Rt. 122 & Rt. 24
SU110004 - Centra Health	Request to allow a "Public Assembly" use in an AP district in an existing building known as "The Pavilion".

OTHER ITEMS

Subdivision Waiver Requests

The Planning Commission did not receive any requests for waivers from the Subdivision Ordinance.

Master Plan Amendment

The Commission received one Master Plan amendment for an approved rezoning plan. NBI Development requested to amend RZ050004 to allow attached dwellings in an area of Mayberry Villas / Mayberry Hills originally approved for single-family detached dwellings.

Presentations

The Planning Commission heard presentations on the following topics during 2010:

- Summary/update of Region 2000 Regional Long Range Transportation Plan (RLRTP)
- Draft County Parks & Recreation master plan
- New technologies on the horizon related to cell towers for Verizon Wireless
- Atlantic Technology Consultants provided comments & discussed with Planning Commission info presented by Verizon Wireless on new wireless technologies
- Demonstration of Pictometry aerial software

Comments offered to the Board of Supervisors

On behalf of the Planning Commission, Chairman Barnes requested of the Board that:

- An update to the 2002 Wireless Communication Plan be permitted (granted);
- A joint public hearing be held for the purpose of approving the addition of Wind Energy Systems to the County's Zoning Ordinance (ZO) (granted and approved);
- Action be taken on the proposed revised Zoning Ordinance as presented to the Board in January, 2010. Specifically, the Board was requested on November 1 to determine specific language within the current ZO to be retained, modified or deleted, and determine language to be retained, modified or deleted within the proposed revised ZO. (No action was taken on these requests.)

CONTACT INFORMATION

Contact information for each of the Planning Commission members is listed below.

Dist.	Member	Phone	Email
1	Rick Crockett	890-1281	comusedequip@aol.com
2	Lynn Barnes	871-6200	sailake@b2xonline.com
3	Steve Wilkerson	525-3205	Swilker192@aol.com
4	Fred Fralick	385-6830	fred@etcgrouppltd.com
5	Steve Stevick	586-5610	smstevick@earthlink.com
6	Derrick Noell	761-3761	dwnoell1340@yahoo.com
7	Curtis Stephens	586-4653	c.stephens1@verizon.net

Note: Area code for Districts 3 and 4 is (434); all others are (540)